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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/086,294	05/28/98	STUMER	P 98-P-7528-US
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LM01/0808

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
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EXAMINER

DEANE JR, W

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

08/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

LK

Office Action Summary

Application No.
09/086,294

Applicant(s)

Stumer

Examiner

Bill Deane

Group Art Unit
2742



☒ Responsive to communication(s) filed on May 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1 and 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

1. Claims 1 - 3, 5 - 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 5,892,819 (Stumer).

Stumer teaches a communication network resource usage control system, comprising: one or more servers (Figs. 1 and 12); a monitoring unit (Col. 8, lines 15 - 17); and a control program (Col. 5, lines 15 - 21) which enables optimization Col. 1, lines 61 - 65 and Col. 9, lines 30 - 34.

With respect to claims 2 and 3, see Col. 1, lines 1 - 7.

With respect to claims 6 and 8, see Cols 1 - 2, lines 65 - 8.

With respect to claim 7, note Col. 8, lines 39 - 65.

With respect to claims 9 - 12, such method claims would be inherent from the discussion above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stumer.

Stumer teaches the claimed invention as discussed supra except for call transfer.

However, call transfer is a well known type of call redirection. See also page 1, lines 13 - 15 of the instant application. It would have been obvious to one of ordinary skill in the art to have provided such call transfer to the Stumer device as such would only entail the addition of another well known redirection service.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,075,851 (Pinard et al.) - note Figs. 5 - 8 and Summary of the Invention;

U.S. Patent No. 6,072,866 (Conan) - note Fig. 8 and the Abstract;

U.S. Patent No. 5,790,638 (Bertacchi) - note Figs. 1 - 3 and the Abstract;

U.S. Patent No. 5,530,931 (Cook-Heilberg et al.) - note abstract;

U.S. Patent No. 5,432,845 (Burd et al.) - note redirection; and


U.S. Patent No. 5,416,834 (Bales et al.) - note redirection ability.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308-6306.


WJD

August 2, 2000


KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700